

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 8: Out-of-Home Care	Effective Date: TBD
	Section 6: Conducting Background Checks for Unlicensed Placements	Version: 4

POLICY

1. Prior to placing a child in an unlicensed home, the Indiana Department of Child Services (DCS) will conduct background checks on all persons living in that household.
2. Background checks may be conducted when moving a child to the custody of the non-custodial parent.
3. For persons aged 14 and older, a “background check” will consist of the following criminal (or juvenile) and civil history checks:
 - a. National Criminal History (includes Indiana State Juvenile History)
 - i. Name-based (for all emergency placements made prior to the detention hearing)
 - ii. Fingerprint-based (for all placements)
 - b. Indiana State Limited Criminal History
 - c. Sex and Violent Offender Registry
 - d. Child Protective Services History
 - e. Local Police and Sheriff Records
4. For persons under the age of 14, a background check will consist of a search of Child Protective Services records.
5. DCS will follow all policies and procedures regarding confidentiality of data obtained from background checks according to separate policy, [2.X Confidentiality of Background Check Data](#).
6. DCS employees who are assigned passwords to conduct background checks will not share their passwords or they will be subject to disciplinary action.
7. DCS will not conduct a new background check if a subsequent placement is made in the same unlicensed home if all members of the household have completed a DCS background check within the past 4 years.
8. DCS will conduct a new background check on all new household members¹.
9. DCS will require the primary household member to notify the family casemanager within 24 hours of the arrest or conviction of any household member.

See related policies, [8.X Evaluating Background Checks for Unlicensed Placements](#), [8.X Placing with Illegal Immigrants](#) and [2.X Verifying Identity](#)

Code References

- [IC 31-34-4-2 Placement of child with relative; criminal history check required; exceptions](#)
- [IC 10-13-3-31 Release of data to subject person; fee; challenge of data authorized](#)
- [IC 10-13-3-27.5 Record check by department of child services under exigent circumstances](#)
- [IC 31-9-2-22.5 Definition of criminal history check](#)
- [IC-31-34-18-6.1 Predispositional report; contents](#)

¹ DCS defines a new household member as anyone who has been in the home for 21 days or longer. The 21 days do not have to be contiguous.

- [IC 31-26-5 Family preservation services](#)
- [IC 31-34-20-1.5 Placement in household with certain individuals prohibited; exceptions](#)
- [240 IAC Article 6: Criminal History Record Information](#) (State Police Department)

PROCEDURE FOR ALL EMERGENCY PLACEMENTS MADE PRIOR TO DETENTION HEARING

Prior to making a placement the Family Case Manager (FCM) will:

1. Complete steps 1(a) through 1(e) below **before** directing any individuals to get fingerprinted:
 - a. Verify the identity of all individuals living in the home, regardless of age, by reviewing any available valid, government-issued identification documents (i.e., social security cards, birth certificates, photo identification cards, driver's licenses, passports, visas, etc.). See separate policy, [2.X Verifying Identity](#), for guidance.
 - b. Check all individuals in the home, regardless of age, for previous **Child Protective Services (CPS) history**. See related policy, [8.7 Evaluating Background Checks for Unlicensed Placements](#) to determine the appropriate action if the check reveals an individual has a substantiation as a CA/N perpetrator.
 - c. Complete an **Indiana State Limited Criminal History Check**. See separate document, [2.X Tool: Background Checks](#), for details.
 - d. Complete a search of the **Sex and Violent Offender Registry** for Indiana. See separate document, [2.X Tool: Background Checks](#), for details.
 - e. Visit the prospective home and interview the primary substitute caregiver and other adults who will provide care for the child. Assess the appropriateness of the placement and discontinue the placement process if warranted.
2. If the evaluation thus far did not result in a placement denial, prepare the family for fingerprinting (for the National Criminal History Check) by explaining the process. See "Preparing the Family for Fingerprinting" in separate document, [2.X Tool: Fingerprinting](#) for details.
3. Complete the sections that must be completed by DCS and assist the family with completing the remaining information on the following forms: [Information Concerning Background Checks for Unlicensed Placements](#), [Primary Applicant Form \(for Foster, Adoptive Background Check\)](#) and [Additional Household Member \(Employee, Volunteer Form For Foster, Adoption Background Checks\)](#). See separate document, [2.X Tool: Fingerprinting](#) for details.
4. Make one copy of all completed forms for the applicant and retain originals for DCS records.
 - a. The form is not complete until it is signed and dated.
 - b. The form must be signed and dated prior to any placements being made in the home.
5. **IMPORTANT:** Remind the primary substitute caregiver they must deliver the completed fingerprint cards within 72 hours to the local DCS office along with one copy of all of the completed forms.
6. When the applicant returns all completed fingerprint cards and forms, document receipt before forwarding to DCS central office. See [2.X Tool: Fingerprinting](#) for details.
7. Complete (i.e. get the results of) all **Name-based National Criminal History** checks for all persons age 14 and older. Reminder: Fingerprints are required from all individuals who complete this check within 72 hours of requesting this check.
 - a. Via phone, convey all **required** identifying information from the [Primary Applicant Form \(For Foster, Adoptive Background Check\)](#) and each [Additional Household Member \(Employee, Volunteer Form For Foster, Adoption Background Checks\)](#) when requesting the check. The Indiana State Police (ISP) will not run the check if any of the required information is missing.

- b. Within 24 hours² after requesting the check, transmit a copy of the [Primary Applicant Form \(For Foster, Adoptive Background Check\)](#) form and each [Additional Household Member \(Employee, Volunteer Form For Foster, Adoption Background Checks\)](#) form to ISP, attention: Data Operations, fax: 317-234-4427 or email: DOC@ISP.state.in.us. *Note: DCS MUST comply with this step; failure to do so places the interagency agreement between DCS and ISP at jeopardy.*
8. Record the names and case numbers of all individuals for whom a name-based check was completed in the [National Criminal History Record Information](#).
9. Evaluate the appropriateness of the proposed placement based on the results of the background checks. See separate policy, [8.7 Evaluating Background Checks for Unlicensed Placements](#).
10. Summarize the results of the checks (without referencing specific convictions, etc.) and the decision in ICWIS.

Within 72 hours of completing the Name-Based Criminal History Check the FCM will:

11. Assure that every member of the household aged 14 and older has been fingerprinted. Verify receipt of the completed fingerprint cards by checking the log book at the local DCS office. See Practice Guidance for details.
12. If any household member aged 14 and older failed (or refused) to get fingerprinted:
 - a. Remove any children that were placed in the home pending the results of a Fingerprint-Based National Criminal History Check.
 - b. Update the [National Criminal History Record Information](#) to document the efforts made by DCS to convince the individual to submit for fingerprints and the reason(s) why the individual(s) declined.
 - c. In ICWIS, document household's failure to complete the fingerprinting process.

Within 30 days of placing a child the FCM will:

13. Complete a search of **CPS records** for **all other states** in which each individual living in the home (regardless of age) is known to have resided for the past 5 years.
14. Complete a search of the **Sex and Violent Offender Registry** for every state where the individual is known to have resided for the past 10 years.
15. Complete a search of **local police and sheriff records** for all persons age 14 and older.
16. Ensure the results from the Fingerprint-Based National Criminal History check (and the Indiana State Juvenile History Data check) are received.
17. Re-evaluate the appropriateness of the placement based on the results of these checks and, if needed, take appropriate action. See separate policy, [8.7 Evaluating Background Checks for Unlicensed Placements](#).
18. Summarize the results of the checks (without referencing specific convictions, etc.) and the decision in ICWIS in the investigation (assessment) or case record log notes.

At the appropriate time the FCM will:

19. Submit the results of the background checks to the court.

PROCEDURE FOR PLACEMENTS MADE AFTER THE DETENTION HEARING
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Prior to making a placement the FCM will:

1. Complete all of the following steps before initiating any criminal history checks including directing individuals to get fingerprinted:

² There is no exception for weekends and holidays. Example: FCM calls in name-based check Friday at 5pm. He/she must transmit a copy of the form by 5pm Saturday.

- a. Verify the identity of all individuals living in the home, regardless of age, by reviewing any available valid, government-issued identification documents; i.e., social security cards, birth certificates, photo identification cards, driver licenses. See separate policy, [2.X Verifying Identity](#), for additional information.
 - b. Check all individuals in the home, regardless of age, for previous Child Protective Services (CPS) history.
 - c. Complete the following checks for all persons aged 14 and older living in the home:
 - i. Indiana State Limited Criminal History Check.
 - ii. Sex and Violent Offender Registry for Indiana and for every state where the individual is known to have resided for the past 10 years .
 - iii. Complete a search of CPS records for **all other states** in which each individual living in the home (regardless of age) is known to have resided for the past 5 years.
 - iv. Complete a search of local police and sheriff records.
 - d. Visit the prospective home and interview the primary substitute caregiver and other adults who will care for the child. Assess the appropriateness of the placement.
2. Evaluate the results of the CPS history search and the in-home interview and discontinue the placement process if warranted. See separate policy, [8.7 Evaluating Background Checks for Unlicensed Placements](#).
 3. If the evaluation thus far did not result in a denial, prepare the family for fingerprinting (for the National Criminal History Check) by explaining the process. See “Preparing the Family for Fingerprinting” in separate document, [2.X Tool: Fingerprinting](#) for details.
 4. Complete the sections that must be completed by DCS and assist the family with completing the remaining information on the following forms: [8.6 Information Concerning Background Checks for Unlicensed Placements](#), [Primary Substitute Caregiver](#) and [Additional Household Member](#). See separate document, [2.X Tool: Fingerprinting](#) for details.
 5. Make one copy of all completed forms for the applicant and retain originals for DCS records.
 6. When the applicant returns all completed fingerprint cards and forms, document receipt before forwarding to DCS central office. See [2.X Tool: Fingerprinting](#) for details.
 7. Evaluate the appropriateness of the proposed placement after the results from ALL checks have been received. See separate policy, [8.7 Evaluating Background Checks for Unlicensed Placements](#).
 8. Summarize the results of the checks (without referencing specific convictions, etc.) and the decision in ICWIS.

At the **appropriate time** the FCM will:

9. Submit the results of the background checks to the court.

PRACTICE GUIDANCE

FORMS AND TOOLS

Forms

- [8.6 Information Concerning Background Checks for Unlicensed Placements](#)
- [Primary Applicant Form \(For Foster, Adoptive Background Check](#)

- [Additional Household Member \(Employee, Volunteer Form For Foster, Adoption Background Checks\)](#)
- [Sample LEA Fingerprint MOU](#)
- [National Criminal History Record Information.](#)
- [Sample Fingerprint Log Sheet](#)
- [Fingerprint Order Form](#)

Tools

- [2.X Tool: Background Checks](#)
- [2.X Tool: Fingerprinting](#)

RELATED INFORMATION

Fingerprinting and National Criminal History (and Indiana State Juvenile History) Reports

- For all issues regarding fingerprinting (preparing for fingerprinting, where to go to get fingerprinted, processing of fingerprint cards, ordering blank fingerprint cards, etc.), see separate document, [2.X Tool: Fingerprinting](#)

All Other Background Check Reports

For helpful information regarding all other background checks (Indiana State Limited Criminal History, CPS history, etc.) see separate document, [2.X Tool: Background Checks](#)

Name-Based National Criminal History

REMINDER: THIS CHECK IS ONLY FOR EMERGENCY PLACEMENTS MADE PRIOR TO THE DETENTION HEARING.

IC 10-13-3-27.5 allows Family Case Managers the ability to access national criminal history information without fingerprints at the time of an emergency placement. An emergency placement is considered the time at or after removal and before a detention hearing order has been made. It can also include any time after an order (either detention or otherwise) has been made that a situation is determined to be an emergency by either the agency or the court as is necessary to protect the health or safety of the child. Emergency placements typically involve exigent circumstances. In either case, the name based query is only used to provide immediate results for an emergency placement, with fingerprints to follow within 72 hours to verify identity and results. Do not attempt to use the name based query for non-emergency placements. This violates the law and DCS procedure.

This check retrieves information from the Interstate Identification Index or "Triple I." It is maintained by the Federal Bureau of Investigation (FBI). The check may be conducted in-person at an Indiana State Police (ISP) post or via phone from any location. The FCM may call 317-232-8294 or 800-622-4961 and identify him/herself through an assigned password and challenge question. *Reminder: The FCM must not share his/her password and challenge question with anyone, including other FCMs.* The FCM will be asked for a reason code, which is "Emergency Placement." If the FCM has trouble using his/her password, he/she should send an email requesting help to: Policy@dcx.in.gov. If conducted **in person**, the FCM will receive an immediate verbal and hard copy report. If conducted **via phone**, the FCM will receive an immediate verbal report. DCS central office will retrieve a hard copy of the report from ISP headquarters in Indianapolis and mail to the FCM's local office within a week or so.

To learn the status of the hard copy of the Name-Based National Criminal History Report, the FCM should contact his/her local office director (or the director's designee). Each local office

director has access to an Excel file that resides on the DCS central office server. The file is updated regularly with the date that central office receives a Name-Based report from ISP headquarters and the date the report was mailed to the local DCS office.

Important reminders:

- *The FCM must transmit to the Indiana State Police Headquarters the Primary Substitute Caregiver form and any Additional Household Member forms within 24 hours of requesting a Name-Based Check. See page 3 of this policy for more information.*
- *If an individual for whom the FCM has conducted a Name-Based Check subsequently refuses to submit for fingerprinting, the FCM must document the reason why in the National Criminal History Record Information County Log Sheet. See page 3 of this policy for more information.*
- *If an FCM runs a name-based check on an individual and subsequently decides not to use that individual as a placement, the individual must still complete the fingerprinting process. Failure to do so would be a violation of FBI procedure.*

Becoming Authorized to Request Name-Based Criminal History Checks

FCMs must register to become authorized to request name-based criminal history checks through ISP. To register, an FCM must send the following information to his/her local office director or the director's designee. (If the local office director/designee determines that it is appropriate to authorize the FCM, the director/designee will forward the information via email to policy@dcx.in.gov. FCMs should NOT email information directly to policy@dcx.in.gov.)

Determine your password: Your password must be your initials (two: first and last name, or three: first, middle and last) and the last four digits of your Social Security number.) Example: John Smith's password would be "JS4823." Jill Marie Johnson would be "JMJ7621."

1. Select your challenge question and give your answer: Your challenge question can be (a) your mother's maiden name **or** (b) the name of the high school from which you graduated. You must include the challenge question **and** answer. NO OTHER CHALLENGE QUESTIONS MAY BE USED.

Your password and challenge question and answer will be submitted to ISP on the Friday of the week it is received in central office. ISP will enter your information into a database which will complete your authorization (allow approximately one week). Until you are authorized, you are responsible for working with your supervisor to make arrangements for an authorized user to complete name-based checks for your cases.

Conducting Background Checks on Non-Custodial Parents

Background checks may be conducted on the non-custodial parent if the family casemanager has reason to question the safety of the placement or if risk factors are present. Safety or risk factors that would necessitate a criminal history check include but are not limited to:

- Child raises concern regarding the placement.
- Custodial parent or member of the child and family team have concerns regarding the placement.
- Custodial parent or member of the child and family team report past or current criminal history on the non-custodial parent.
- Non-custodial parent does not have regular visitation with the child(ren).

The family casemanager must document in ICWIS if criminal history checks are not conducted on a non-custodial parent.